

I, PURITA T. EUGENIO, hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL, in an envelope addressed to COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3514 on the date shown below.

Typed or Printed Name of Person Signing Certificate: PURITA T. EUGENIO

Signature: *Purita T. Eugenio*

Date: JANUARY 12, 2004

Express Mail Label No.: ER 562292792 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 75/845,350  
Mark: INTELLIWEAR  
Application Filing Date: December 1, 1999

MARK D. TANNEN,

Opposer,

vs.

JAY MACK,

Applicant.

**Opposition No.: 91151109**

**MOTION TO WITHDRAW AS REPRESENTATIVE**

Pursuant to 37 C.F.R. § 10.40, U. S. Trademark Law § 2.19(b) and TBMP § 513.01, Robert T. Daunt, G. Gervaise Davis III and Eric Bakri Boustani, and DAVIS & SCHROEDER, A Professional Corporation ("Movants") hereby move to withdraw as representative for Applicant, Jay Mack, in the above-captioned proceeding. As grounds therefor, Movants state that Jay Mack has retained new counsel and revoked Movants' authority to act on his behalf. Movants have been informed that Applicant has retained and designated as its representative in

this matter Mark W. Good, James K. Roberts and Kirk W. Elliott, attorneys-at-law of ROBERTS AND ELLIOTT, A PROFESSIONAL LAW CORPORATION, Ten Almaden Boulevard, Suite 500, San Jose, California 95113, Tel. No. (408) 275-9800 and Fax No. (408) 287-3782.

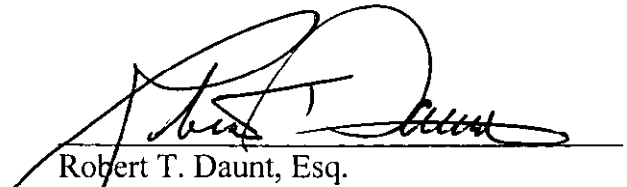
Prior to Mark W. Good's transfer for ROBERTS AND ELLIOTT, he was an associate of this law firm, was familiar of the opposition proceedings and has worked on this matter.

A copy of Movants' letter to Jay Mack, providing a copy of this Motion and advising of the turnover of files in connection with the opposition proceedings, is attached as Exhibit A.

In view of the foregoing, favorable consideration and granting of this motion are respectfully requested.

Respectfully submitted,

Dated: January 12, 2004

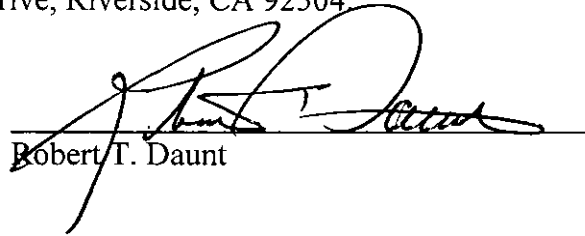


Robert T. Daunt, Esq.  
G. Gervaise Davis III, Esq.  
Eric Bakri Boustani, Esq.  
DAVIS & SCHROEDER,  
A PROFESSIONAL CORPORATION  
215 West Franklin St., Fourth Floor  
P. O. Box 3080  
Monterey, CA 93942-3080  
Telephone: (831) 649-1122  
Facsimile: (831) 649-0566

RTD:pte  
Enclosure - Exhibit A

CERTIFICATE OF SERVICE

I hereby certify that, on January 12, 2004, the above-referenced document was served by First Class Mail, postage prepaid, upon Paul J. Reilly, Esq., BAKER BOTTS, L.L.P., 30 Rockefeller Plaza, 44th Floor, New York, NY 10112-0228, attorney of record for the Opposer; on Mark W. Good, Esq., ROBERTS AND ELLIOTT, A PROFESSIONAL LAW CORPORATION, Ten Almaden Boulevard, Suite 500, San Jose, CA 95113, successor counsel to Applicant; and on Jay Mack, 5495 Pinehurst Drive, Riverside, CA 92504.

  
Robert T. Daunt



LAW OFFICES  
**DAVIS & SCHROEDER**  
A PROFESSIONAL CORPORATION

JOHN D. LAUGHTON  
ROBERT T. DAUNT  
ERIC BAKRI BOUSTANI  
MARK W. GOOD

ANDREW M. SISOLAK (OF COUNSEL)

GEORGE L. SCHROEDER (RETIRED)  
G. GERVAISE DAVIS III (RETIRED)

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FACSIMILE (831) 649-0566

[www.netlawyers.com](http://www.netlawyers.com)

January 12, 2004

Mr. Jay Mack  
ENVISION NETWORKS  
5495 Pinehurst Drive  
Riverside, CA 92504

**Re: Transfer of Trademark Work**

Dear Jay:

We have been informed by Mark W. Good that you have signed an engagement letter with his new law firm, Roberts and Elliott, A Professional Law Corporation, of San Jose, California, to represent you for settlement purposes only in the "INTELLIWEAR" opposition matter and to continue prosecution of your pending trademark/service mark registration applications.

In order to Mark to represent you in the opposition proceedings for "INTELLIWEAR", we have to withdraw as your counsel in the said proceedings. Accordingly, we have prepared and submitted to the USPTO a Motion to Withdraw as Representative in this matter, a copy of which is enclosed for your information and file.

In addition, as a result of your retaining Roberts and Elliott to represent you in your trademark matters, we will be turning over to Mark the remaining trademark folders which we still have in our possession. Since our records indicate that Angela has sent you the trademark docket folders for "SMART CLOTHES" in Classes 9 and 25, Docket No. T814 and "ISMARTPHONE.COM" in Class 35, Docket No. T862, the following folders will be turned to Mark at Roberts and Elliott:

1. Trademark Matters;
2. TM "WEBWEAR", Class 9, DN: T860;
3. TM "INTELLIWEAR", Class 9, DN: T861; and
4. Opposition to "INTELLIWEAR".

By copy of this letter, Mark is requested to make arrangements with Purita T. Eugenio on the turnover of your files to Roberts and Elliott.

EXHIBIT A  
1 of 2

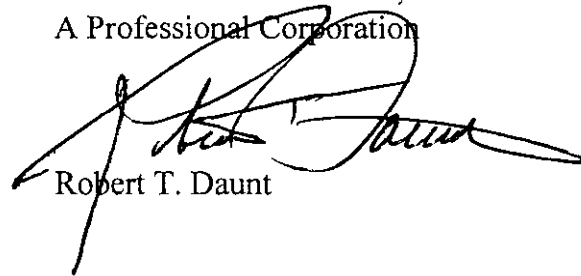
Mr. Jay Mack  
January 12, 2004  
Page 2

LAW OFFICES  
**DAVIS & SCHROEDER**  
A PROFESSIONAL CORPORATION

Thank you for giving us the opportunity to assist you in your trademark matters. We are pleased to have worked with you. If in the future I can be of any service to you in any other business-oriented or legal matters, particularly with intellectual property licensing and copyright issues, please do not hesitate to call me.

Very truly yours,

DAVIS & SCHROEDER,  
A Professional Corporation

A handwritten signature in black ink, appearing to read "Robert T. Daunt", is written over the printed name and firm name.

RTD:pte  
Enclosure

cc: Mark W. Good, Esq.

EXHIBIT A  
2 of 2

TTAB

I, PURITA T. EUGENIO, hereby certify that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL, in an envelope addressed to COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3514 on the date shown below.

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01-12-2004

U.S. Patent & TMO/TM Mail Rpt. Dt. #40

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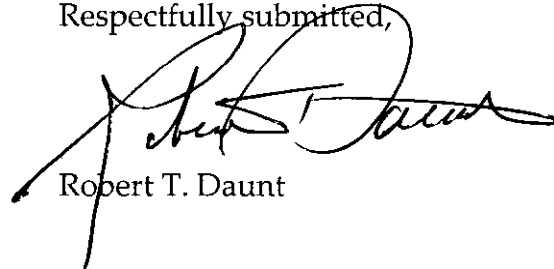
TRANSMITTAL LETTER

In connection with the above-identified opposition proceedings, transmitted herewith are the following:

- (1) Motion to Withdraw as Representative (3 pages), along with Exhibit A; and
- (2) Postcard.

Please date-stamp the enclosed postcard and return same to the undersigned in acknowledgment of receipt of all transmitted materials.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert T. Daunt", written over the typed name.

Robert T. Daunt

RTD:pte  
January 12, 2004  
DAVIS & SCHROEDER,  
A Professional Corporation  
P. O. Box 3080  
Monterey, CA 93942-3080  
Tel. No.: (831) 649-1122  
FAX No.: (831) 649-0566  
E-mail: rtd@NetLawyers.com

cc: Paul J. Reilly, Esq.  
Mark W. Good, Esq.  
Jay Jack